

1 resolve any matters on which the departments disagree in a manner that is
2 consistent with par. (a). The department of ~~commerce~~ safety and professional
3 services and the department of natural resources, jointly, shall promulgate rules
4 incorporating any agreement between the department of ~~commerce~~ safety and
5 professional services and the department of natural resources under par. (a) and any
6 resolution of disagreements between the departments by the secretary of
7 administration under this paragraph.

8 ***-1465/P4.816* *-0808/2.290* SECTION 2374.** 101.143 (2e) (c) of the statutes
9 is amended to read:

10 101.143 (2e) (c) The department of natural resources or, if the discharge is
11 covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional
12 services shall apply the method in the rules promulgated under par. (b) to determine
13 the risk posed by a discharge for which the department of ~~commerce~~ safety and
14 professional services receives notification under sub. (3) (a) 3.

15 ***-1465/P4.817* *-0808/2.291* SECTION 2375.** 101.143 (2m) of the statutes is
16 amended to read:

17 101.143 (2m) INTERDEPARTMENTAL COORDINATION. Whenever the department of
18 ~~commerce~~ safety and professional services receives a notification under sub. (3) (a)
19 3. or the department of natural resources receives a notification of a petroleum
20 product discharge under s. 292.11, the department receiving the notification shall
21 contact the other department and shall schedule a meeting of the owner or operator
22 or person owning a home oil tank system and representatives of both departments.

23 ***-1465/P4.818* *-0808/2.292* SECTION 2376.** 101.143 (3) (c) 4. of the statutes
24 is amended to read:

101.143 (3) (c) 4. Receive written approval from the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), from the department of ~~commerce~~ safety and professional services that the remedial action activities performed under subd. 3. meet the requirements of s. 292.11.

***-1465/P4.819* *-0808/2.293* SECTION 2377.** 101.143 (3) (cm) of the statutes is amended to read:

101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person owning a home oil tank system may, with the approval of the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional services, satisfy the requirements of par. (c) 2. and 3. by proposing and implementing monitoring to ensure the effectiveness of natural attenuation of petroleum product contamination.

***-1465/P4.820* *-0808/2.294* SECTION 2378.** 101.143 (3) (cp) 1. of the statutes is amended to read:

101.143 (3) (cp) 1. Except as provided in subds. 2. to 5., if the department of natural resources or, if the site is covered under s. 101.144 (2) (b), the department of ~~commerce~~ safety and professional services estimates that the cost to complete a site investigation, remedial action plan and remedial action for an occurrence exceeds \$60,000, the department of ~~commerce~~ safety and professional services shall implement a competitive public bidding process to obtain information to assist in making the determination under par. (cs).

***-1465/P4.821* *-0808/2.295* SECTION 2379.** 101.143 (3) (cp) 2. of the statutes is amended to read:

101.143 (3) (cp) 2. The department of ~~commerce~~ safety and professional services or the department of natural resources may waive the requirement under

subd. 1. if an enforcement standard is exceeded in groundwater within 1,000 feet of a well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide water for human consumption.

***-1465/P4.822* *-0808/2.296* SECTION 2380.** 101.143 (3) (cp) 5. of the statutes is amended to read:

101.143 (3) (cp) 5. The department of ~~commerce~~ safety and professional services or the department of natural resources may waive the requirement under subd. 1. after providing notice to the other department.

***-1465/P4.823* *-0808/2.297* SECTION 2381.** 101.143 (3) (cp) 6. of the statutes is amended to read:

101.143 (3) (cp) 6. The department of ~~commerce~~ safety and professional services may disqualify a bid received under subd. 1. if, based on information available to the department and experience with remedial action at other sites, the bid is unlikely to establish an amount to sufficiently fund remedial action that will comply with par. (c) 3. and with enforcement standards.

***-1465/P4.824* *-0808/2.298* SECTION 2382.** 101.143 (3) (cp) 7. of the statutes is amended to read:

101.143 (3) (cp) 7. The department of ~~commerce~~ safety and professional services may disqualify a person from submitting bids under subd. 1. if, based on past performance of the bidder, the department determines that the person has demonstrated an inability to complete remedial action within established cost limits.

***-1465/P4.825* *-0808/2.299* SECTION 2383.** 101.143 (3) (cs) 1. of the statutes is amended to read:

101.143 (3) (cs) 1. The department of ~~commerce~~ safety and professional services shall review the remedial action plan for a site that is classified as low or

1 medium risk under s. 101.144 and shall determine the least costly method of
2 complying with par. (c) 3. and with enforcement standards. The department shall
3 notify the owner or operator of its determination of the least costly method and shall
4 notify the owner or operator that reimbursement for remedial action under this
5 section is limited to the amount necessary to implement that method.

6 ***-1465/P4.826* *-0808/2.300* SECTION 2384.** 101.143 (3) (cs) 2. of the
7 statutes is amended to read:

8 101.143 (3) (cs) 2. The department of natural resources and the department of
9 ~~commerce~~ safety and professional services shall review the remedial action plan for
10 a site that is classified as high risk under s. 101.144 and shall jointly determine the
11 least costly method of complying with par. (c) 3. and with enforcement standards.
12 The departments shall notify the owner or operator of their determination of the
13 least costly method and shall notify the owner or operator that reimbursement for
14 remedial action under this section is limited to the amount necessary to implement
15 that method.

16 ***-1465/P4.827* *-0808/2.301* SECTION 2385.** 101.143 (3) (cs) 3. of the
17 statutes is amended to read:

18 101.143 (3) (cs) 3. In making determinations under subds. 1. and 2., the
19 department of natural resources and the department of ~~commerce~~ safety and
20 professional services shall determine whether natural attenuation will achieve
21 compliance with par. (c) 3. and with enforcement standards.

22 ***-1465/P4.828* *-0808/2.302* SECTION 2386.** 101.143 (3) (cs) 4. of the
23 statutes is amended to read:

24 101.143 (3) (cs) 4. The department of ~~commerce~~ safety and professional
25 services may review and modify an amount established under subd. 1. if the

1 department determines that new circumstances, including newly discovered
2 contamination at a site, warrant those actions. The department of ~~commerce~~ safety
3 and professional services and the department of natural resources may review and
4 modify an amount established under subd. 2. if the departments determine that new
5 circumstances, including newly discovered contamination at a site, warrant those
6 actions.

7 ***-1465/P4.829* *-0808/2.303* SECTION 2387.** 101.143 (3) (cw) 1. of the
8 statutes is amended to read:

9 101.143 (3) (cw) 1. The department of ~~commerce~~ safety and professional
10 services shall conduct the annual review required under sub. (2) (i) 1. for a site that
11 is classified as low or medium risk under s. 101.144 and shall determine the least
12 costly method of completing remedial action at the site in order to comply with par.
13 (c) 3. and with enforcement standards. The department shall notify the owner or
14 operator of its determination of the least costly method and shall notify the owner
15 or operator that reimbursement under this section for any remedial action conducted
16 after the date of the notice is limited to the amount necessary to implement that
17 method.

18 ***-1465/P4.830* *-0808/2.304* SECTION 2388.** 101.143 (3) (cw) 2. of the
19 statutes is amended to read:

20 101.143 (3) (cw) 2. The department of natural resources and the department
21 of ~~commerce~~ safety and professional services shall conduct the annual review
22 required under sub. (2) (i) 1. for a site that is classified as high risk under s. 101.144
23 and shall jointly determine the least costly method of completing remedial action at
24 the site in order to comply with par. (c) 3. and with enforcement standards. The
25 departments shall notify the owner or operator of their determination of the least

1 costly method and shall notify the owner or operator that reimbursement under this
2 section for remedial action conducted after the date of the notice is limited to the
3 amount necessary to implement that method.

4 ***-1465/P4.831* *-0808/2.305* SECTION 2389.** 101.143 (3) (cw) 3. of the
5 statutes is amended to read:

6 101.143 (3) (cw) 3. In making determinations under subds. 1. and 2., the
7 department of natural resources and the department of ~~commerce~~ safety and
8 professional services shall determine whether natural attenuation will achieve
9 compliance with par. (c) 3. and with enforcement standards.

10 ***-1465/P4.832* *-0808/2.306* SECTION 2390.** 101.143 (3) (cw) 4. of the
11 statutes is amended to read:

12 101.143 (3) (cw) 4. The department of ~~commerce~~ safety and professional
13 services may review and modify an amount established under subd. 1. if the
14 department determines that new circumstances, including newly discovered
15 contamination at a site, warrant those actions. The department of ~~commerce~~ safety
16 and professional services and the department of natural resources may review and
17 modify an amount established under subd. 2. if the departments determine that new
18 circumstances, including newly discovered contamination at a site, warrant those
19 actions.

20 ***-1465/P4.833* *-0808/2.307* SECTION 2391.** 101.143 (3) (d) of the statutes
21 is amended to read:

22 101.143 (3) (d) *Final review of remedial action activities.* The department of
23 natural resources or, if the discharge is covered under s. 101.144 (2) (b), the
24 department of ~~commerce~~ safety and professional services shall complete a final

1 review of the remedial action activities within 60 days after the claimant notifies the
2 appropriate department that the remedial action activities are completed.

3 ***-1465/P4.834* *-0808/2.308* SECTION 2392.** 101.143 (3) (f) 5. of the statutes
4 is amended to read:

5 101.143 (3) (f) 5. The written approval of the department of natural resources
6 or the department of ~~commerce~~ safety and professional services under par. (c) 4.

7 ***-1465/P4.835* *-0808/2.309* SECTION 2393.** 101.143 (3) (g) of the statutes
8 is amended to read:

9 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.
10 and 2., an owner or operator or the person may submit a claim for an award under
11 sub. (4) after notifying the department under par. (a) 3., without completing an
12 investigation under par. (c) 1. and without preparing a remedial action plan under
13 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and
14 the remedial action plan under par. (c) 2. inappropriate and, before conducting
15 remedial action, the owner or operator or person notified the department of
16 ~~commerce~~ safety and professional services and the department of natural resources
17 of the emergency and the department of ~~commerce~~ safety and professional services
18 and the department of natural resources authorized emergency action.

19 ***-1465/P4.836* *-0808/2.310* SECTION 2394.** 101.143 (4) (a) 6. of the statutes
20 is amended to read:

21 101.143 (4) (a) 6. In any fiscal year, the department may not award more than
22 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for
23 petroleum product storage systems described in par. (ei).

24 ***-1465/P4.837* *-0808/2.311* SECTION 2395.** 101.143 (4) (a) 7. of the statutes
25 is amended to read:

101.143 (4) (a) 7. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored.

***-1465/P4.838* *-1059/P3.518* SECTION 2396.** 101.143 (4) (cc) 2. b. of the statutes is amended to read:

101.143 (4) (cc) 2. b. An applicant that is engaged in the expansion or redevelopment of brownfields, as defined in s. ~~560.13~~ 238.13 (1) (a), if federal or state financial assistance other than under this section, has been provided for that expansion or redevelopment.

***-1465/P4.839* *-0808/2.312* SECTION 2397.** 101.143 (4) (ei) 2m. of the statutes is amended to read:

101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter or notice from the department of ~~commerce~~ safety and professional services or department of natural resources indicating that the owner or operator must conduct a site investigation or remedial action because of a discharge from the farm tank or an order to conduct such an investigation or remedial action.

***-1465/P4.840* *-0808/2.313* SECTION 2398.** 101.143 (4) (es) 1. of the statutes is amended to read:

101.143 (4) (es) 1. The department shall issue an award for a claim filed after August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, by an owner or operator or a person owning a home oil tank system in investigating the existence of a discharge or investigating the presence of petroleum products in soil or groundwater if the investigation is undertaken at the written direction of the

1 department of ~~commerce~~ safety and professional services or the department of
2 natural resources and no discharge or contamination is found.

3 ***-1465/P4.841* *-0808/2.314* SECTION 2399.** 101.144 (3) (b) of the statutes
4 is amended to read:

5 101.144 (3) (b) The department of ~~commerce~~ safety and professional services
6 requests the department of natural resources to take the action or issue the order.

7 ***-1465/P4.842* *-0808/2.315* SECTION 2400.** 101.144 (3) (c) of the statutes
8 is amended to read:

9 101.144 (3) (c) The secretary of natural resources approves the action or order
10 in advance after notice to the secretary of ~~commerce~~ safety and professional services.

11 ***-1465/P4.843* *-0808/2.316* SECTION 2401.** 101.144 (3g) (a) of the statutes
12 is amended to read:

13 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified
14 under this section, excluding sites that are contaminated by a hazardous substance
15 other than a petroleum product or an additive to a petroleum product, are classified
16 as high-risk sites, the department of ~~commerce~~ safety and professional services and
17 the department of natural resources shall attempt to reach an agreement that
18 specifies standards for determining whether the site of a discharge of a petroleum
19 product from a petroleum storage tank is classified as high risk. The standards shall
20 be designed to classify no more than 35% of those sites as high-risk sites and may
21 not classify all sites at which an enforcement standard is exceeded as high-risk sites.
22 If the department of ~~commerce~~ safety and professional services and the department
23 of natural resources are unable to reach an agreement, they shall refer the matters
24 on which they are unable to agree to the secretary of administration for resolution.
25 The secretary of administration shall resolve any matters on which the departments

SECTION 2401

1 disagree in a manner that is consistent with this paragraph. The department of
2 ~~commerce~~ safety and professional services shall promulgate rules incorporating any
3 agreement between the department of ~~commerce~~ safety and professional services
4 and the department of natural resources under this paragraph and any resolution
5 of disagreements between the departments by the secretary of administration under
6 this paragraph.

7 ***-1465/P4.844* *-0808/2.317* SECTION 2402.** 101.144 (3g) (b) of the statutes
8 is amended to read:

9 101.144 (3g) (b) If, 6 months after rules under par. (a) are in effect, more than
10 35% of the sites classified under this section, excluding sites that are contaminated
11 by a hazardous substance other than a petroleum product or an additive to a
12 petroleum product, are classified as high-risk sites, the department of ~~commerce~~
13 safety and professional services shall revise the rules using the procedure for
14 promulgating the rules in par. (a).

15 ***-1465/P4.845* *-0808/2.318* SECTION 2403.** 101.144 (3m) (a) (intro.) of the
16 statutes is amended to read:

17 101.144 (3m) (a) (intro.) The department of ~~commerce~~ safety and professional
18 services and the department of natural resources shall enter into a memorandum of
19 understanding that does all of the following:

20 ***-1465/P4.846* *-0808/2.319* SECTION 2404.** 101.144 (3m) (b) of the statutes
21 is amended to read:

22 101.144 (3m) (b) The department of ~~commerce~~ safety and professional services
23 and the department of natural resources shall submit a memorandum of
24 understanding under this subsection to the secretary of administration for review.

1 A memorandum of understanding under this subsection does not take effect until it
2 is approved by the secretary of administration.

3 ***-1465/P4.847* *-0808/2.320* SECTION 2405.** 101.149 (6) (b) of the statutes
4 is amended to read:

5 101.149 (6) (b) The department shall promulgate rules, in consultation with
6 the department of health services, under which the department of ~~commerce~~ safety
7 and professional services shall authorize certified heating, ventilating, and air
8 conditioning inspectors to conduct regular inspections of sealed combustion units, as
9 required under par. (5) (c), for carbon monoxide emissions in residential buildings
10 other than hotels, tourist rooming houses, and bed and breakfast establishments.
11 The rules shall specify conditions under which it may issue orders as specified under
12 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and
13 professional services to authorize inspection of sealed combustion units during the
14 period in which the sealed combustion units are covered by a manufacturer's
15 warranty against defects.

16 ***-1465/P4.848* *-0808/2.321* SECTION 2406.** 101.149 (8) (a) of the statutes
17 is amended to read:

18 101.149 (8) (a) If the department of ~~commerce~~ safety and professional services
19 or the department of health services determines after an inspection of a building
20 under this section or s. 254.74 (1g) that the owner of the building has violated sub.
21 (2) or (3), the respective department shall issue an order requiring the person to
22 correct the violation within 5 days or within such shorter period as the respective
23 department determines is necessary to protect public health and safety. If the person
24 does not correct the violation within the time required, he or she shall forfeit \$50 for

1 each day of violation occurring after the date on which the respective department
2 finds that the violation was not corrected.

3 ***-1465/P4.849* *-0808/2.322* SECTION 2407.** 101.563 (2) (b) 1. of the statutes
4 is amended to read:

5 101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding
6 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall
7 compile the fire department dues paid by all insurers under s. 601.93 and the dues
8 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573
9 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and
10 certify to the secretary of administration the proper amount to be paid from the
11 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled
12 to a proportionate share of fire department dues as provided under sub. (1) (b) and
13 s. 101.575. If the department has previously certified an amount to the secretary of
14 administration under s. 101.573 (3) (a) during calendar year 2002, the department
15 shall recertify the amount in the manner provided under this subdivision. On or
16 before August 1, 2002, the secretary of administration shall pay the amounts
17 certified or recertified by the department under this subdivision to each city, village,
18 and town entitled to a proportionate share of fire department dues as provided under
19 sub. (1) and s. 101.575. The secretary of administration may combine any payment
20 due under this subdivision with any amount due to be paid on or before August 1,
21 2002, to the same city, village, or town under par. (a).

22 ***-1465/P4.850* *-0808/2.323* SECTION 2408.** 101.563 (2) (b) 2. of the statutes
23 is amended to read:

24 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'
25 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this

subdivision, on or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold 0.5% and certify to the secretary of administration the proper amount to be paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled to a proportionate share of fire department dues as provided under sub. (1) (b) and s. 101.575. Annually, on or before August 1, the secretary of administration shall pay the amounts certified by the department to each such city, village, and town. This paragraph applies only to payment of a proportionate share of fire department dues collected for calendar years 2002 to 2004.

***-1465/P4.851* *-0808/2.324* SECTION 2409.** 101.573 (3) (a) of the statutes is amended to read:

101.573 (3) (a) On or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5% and certify to the secretary of administration the proper amount to be paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, or town entitled to fire department dues under s. 101.575. Annually, on or before August 1, the secretary of administration shall pay the amounts certified by the department to the cities, villages and towns eligible under s. 101.575.

***-1465/P4.852* *-0808/2.325* SECTION 2410.** 101.573 (5) of the statutes is amended to read:

101.573 (5) The department shall promulgate a rule defining "administrative expenses" for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

SECTION 2411

1 ***-1465/P4.853* *-0808/2.326* SECTION 2411.** 101.657 (5) of the statutes is
2 amended to read:

3 101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning
4 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the
5 contract required under sub. (2) and at least \$600,000 annually for the contract
6 required under sub. (3).

7 ***-1465/P4.854* *-0808/2.327* SECTION 2412.** 101.935 (2) (e) of the statutes
8 is amended to read:

9 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department
10 of health services in the administration of s. 254.47, applies to an agent for the
11 department of ~~commerce~~ safety and professional services in the administration of
12 this section.

13 ***-1465/P4.855* *-0808/2.328* SECTION 2413.** 101.951 (7) (a) of the statutes
14 is amended to read:

15 101.951 (7) (a) The department of ~~commerce~~ safety and professional services
16 may, without notice, deny the application for a license within 60 days after receipt
17 thereof by written notice to the applicant, stating the grounds for the denial. Within
18 30 days after such notice, the applicant may petition the department of
19 administration to conduct a hearing to review the denial, and a hearing shall be
20 scheduled with reasonable promptness. The division of hearings and appeals shall
21 conduct the hearing. This paragraph does not apply to denials of applications for
22 licenses under s. 101.02 (21).

23 ***-1465/P4.856* *-0808/2.329* SECTION 2414.** 101.951 (7) (b) of the statutes
24 is amended to read:

1 101.951 (7) (b) No license may be suspended or revoked except after a hearing
2 thereon. The department of ~~commerce~~ safety and professional services shall give the
3 licensee at least 5 days' notice of the time and place of the hearing. The order
4 suspending or revoking such license shall not be effective until after 10 days' written
5 notice thereof to the licensee, after such hearing has been had; except that the
6 department of ~~commerce~~ safety and professional services, when in its opinion the
7 best interest of the public or the trade demands it, may suspend a license upon not
8 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the
9 suspension of the license. Matters involving suspensions and revocations brought
10 before the department of ~~commerce~~ safety and professional services shall be heard
11 and decided upon by the department of administration. The division of hearings and
12 appeals shall conduct the hearing. This paragraph does not apply to licenses that
13 are suspended or revoked under s. 101.02 (21).

14 ***-1465/P4.857* *-0808/2.330* SECTION 2415.** 101.951 (7) (c) of the statutes
15 is amended to read:

16 101.951 (7) (c) The department of ~~commerce~~ safety and professional services
17 may inspect the pertinent books, records, letters and contracts of a licensee. The
18 actual cost of each such examination shall be paid by such licensee so examined
19 within 30 days after demand therefor by the department, and the department may
20 maintain an action for the recovery of such costs in any court of competent
21 jurisdiction.

22 ***-1465/P4.858* *-0808/2.331* SECTION 2416.** 101.953 (1) (a) of the statutes
23 is amended to read:

24 101.953 (1) (a) A statement that the manufactured home meets those
25 standards prescribed by law or administrative rule of the department of

1 administration or of the department of ~~commerce~~ safety and professional services
2 that are in effect at the time of the manufacture of the manufactured home.

3 ***-1465/P4.859* *-0808/2.332* SECTION 2417.** 101.973 (8) of the statutes is
4 amended to read:

5 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the
6 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j).

7 ***-1195/2.132* SECTION 2418.** 102.29 (8r) of the statutes is amended to read:

8 102.29 (8r) No participant in a ~~food stamp~~ supplemental nutrition assistance
9 employment and training program under s. ~~49.79 (9)~~ 49.37 (9) who, under s. ~~49.79~~
10 ~~(9) (a) 5.~~ 49.37 (9) (a) 5., is provided worker's compensation coverage by the
11 department of ~~health services~~ children and families or by a Wisconsin Works agency,
12 as defined in s. 49.001 (9), or other provider under contract with the department of
13 ~~health services~~ children and families or a county department under s. 46.215, 46.22,
14 or 46.23 or tribal governing body to administer the ~~food stamp~~ supplemental
15 nutrition assistance employment and training program and who makes a claim for
16 compensation under this chapter may make a claim or maintain an action in tort
17 against the employer who provided the employment and training from which the
18 claim arose.

19 ***-1146/1.27* SECTION 2419.** 106.14 (2) of the statutes is amended to read:

20 106.14 (2) The department shall publicize and maintain on its job center Web
21 site information related to the job ~~programs under ss.~~ program under s. 49.147 (3)
22 ~~and 49.162~~ so that employers and individuals seeking employment may obtain
23 information about the ~~programs~~ program, including how to participate in ~~them~~ it.

24 ***-0178/1.3* SECTION 2420.** 106.15 (3) (intro.) of the statutes is amended to
25 read:

1 106.15 (3) GRANTS. (intro.) From the ~~appropriations~~ appropriation under s.
2 20.445 (1) ~~(bc), (jm), and (m)~~, the department shall make grants to persons providing
3 employment and training activities to dislocated workers including all of the
4 following:

5 ***-1465/P4.860* *-1059/P3.519* SECTION 2421.** 106.16 (3) of the statutes is
6 amended to read:

7 106.16 (3) A state agency or an authority under ch. 231 or 234 shall notify the
8 ~~department of commerce~~ Wisconsin Economic Development Corporation if it makes
9 a loan or grant to a company.

10 ***-1465/P4.861* *-0808/2.333* SECTION 2422.** 106.20 (1) (e) of the statutes is
11 amended to read:

12 106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 490.04
13 (1) (e).

14 ***-1465/P4.862* *-0808/2.334* SECTION 2423.** 106.30 (2) of the statutes is
15 amended to read:

16 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
17 workforce development shall develop and submit to the department of ~~regulation~~
18 ~~and licensing~~ safety and professional services a survey form to gather data under s.
19 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
20 supply of, demand for, and turnover among nurses in this state and in determining
21 whether there are any regional shortages of nurses, shortages of nurses in any
22 speciality areas, or impediments to entering the nursing profession in this state.

23 ***-1465/P4.863* *-0808/2.335* SECTION 2424.** 106.30 (5) (a) of the statutes is
24 amended to read:

1 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
2 department of workforce development shall award grants equal to the amount
3 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
4 a nonprofit statewide nursing center that is comprised of and led by nurses and that
5 has demonstrated coordination with constituent groups within the nursing
6 community, including professional nursing organizations; organizations
7 representing nurse educators, staff nurses, and nurse managers or executives; labor
8 organizations representing nurses; the department of ~~regulation and licensing~~
9 safety and professional services; the department of health services; and legislators
10 who are concerned with issues affecting the nursing profession.

11 ***-1465/P4.864* *-0808/2.336* SECTION 2425.** 106.30 (5) (b) of the statutes is
12 amended to read:

13 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
14 shall use the grant moneys to develop strategies to ensure that there is a nursing
15 workforce that is adequate to meet the current and future health care needs of this
16 state. The statewide nursing center may use those moneys to fund activities that are
17 aimed at ensuring such a nursing workforce, including monitoring trends in the
18 applicant pool for nursing education programs; evaluating the effectiveness of
19 nursing education programs in increasing access to those programs and in
20 enhancing career mobility for nurses, especially for populations that are
21 underrepresented in the nursing profession; and facilitating partnerships between
22 the nursing community and other health care providers, the department of
23 ~~regulation and licensing~~ safety and professional services, the business community,
24 the legislature, and educators to promote diversity within the nursing profession,
25 enhance career mobility and leadership development for nurses, and achieve

1 consensus regarding policies aimed at ensuring an adequate nursing workforce in
2 this state.

3 ***-1465/P4.865* *-0808/2.337* SECTION 2426.** 106.50 (6) (a) 3. of the statutes
4 is amended to read:

5 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
6 interested person, by the department of workforce development under par. (b) or, if
7 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
8 safety and professional services. The department of workforce development shall,
9 upon request, provide appropriate assistance in completing and filing complaints.

10 ***-1465/P4.866* *-0808/2.338* SECTION 2427.** 106.50 (6) (b) of the statutes is
11 amended to read:

12 106.50 (6) (b) *Powers and duties of department.* The department of workforce
13 development and its duly authorized agents may hold hearings, subpoena witnesses,
14 take testimony and make investigations as provided in this subsection. The
15 department of workforce development may test and investigate for the purpose of
16 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
17 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
18 of ~~commerce~~ safety and professional services may make, sign and file complaints
19 alleging violations of sub. (2r) (c). The department of workforce development shall
20 employ examiners to hear and decide complaints of discrimination under this
21 section, and to assist in the administration of this section. The examiners may make
22 findings and issue orders under this subsection. The department of workforce
23 development shall develop and implement an investigation manual for use in
24 conducting investigations under par. (c).

1 ***-1465/P4.867* *-0808/2.339* SECTION 2428.** 107.30 (4) of the statutes is
2 amended to read:

3 107.30 (4) "Department" means the department of ~~commerce~~ safety and
4 professional services.

5 ***-1465/P4.868* *-0808/2.340* SECTION 2429.** 107.30 (10) of the statutes is
6 amended to read:

7 107.30 (10) "Mining damage appropriation" means the appropriation under s.
8 ~~20.143 (3)~~ 20.165 (2) (a).

9 ***-1465/P4.869* *-0808/2.341* SECTION 2430.** 107.31 (5) (a) (intro.) of the
10 statutes is amended to read:

11 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
12 is calculated by subtracting the total amount of all mining damages awards paid
13 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
14 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

15 ***-1465/P4.870* *-0808/2.342* SECTION 2431.** 108.02 (21e) (intro.) of the
16 statutes is amended to read:

17 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
18 employer organization" means any person who is currently registered as a
19 professional employer organization with the department of ~~regulation and licensing~~
20 safety and professional services in accordance with ch. 461, who contracts to provide
21 the nontemporary, ongoing employee workforce of more than one client under a
22 written leasing contract, the majority of whose clients are not under the same
23 ownership, management, or control as the person other than through the terms of
24 the contract, and who under contract and in fact:

1 ***-1465/P4.871* *-1059/P3.520* SECTION 2432.** 109.07 (1m) (b) of the statutes
2 is amended to read:

3 109.07 **(1m)** (b) The department shall promptly provide a copy of the notice
4 required under par. (a) ~~to the department of commerce and to the office of the~~
5 ~~commissioner of insurance and shall cooperate with the department of commerce in~~
6 ~~the performance of its responsibilities under s. 560.15 and with the office of the~~
7 ~~commissioner of insurance in the performance of its responsibilities under s. 601.41~~
8 (7).

9 ***-1356/2.27* SECTION 2433.** 111.70 (1) (a) of the statutes is amended to read:
10 111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual
11 obligation of a municipal employer, through its officers and agents, and the
12 representative of its municipal employees in a collective bargaining unit, to meet and
13 confer at reasonable times, in good faith, with the intention of reaching an
14 agreement, or to resolve questions arising under such an agreement, with respect to
15 wages, hours, and conditions of employment, and with respect to a requirement of
16 the municipal employer for a municipal employee to perform law enforcement and
17 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
18 respect to any matter under sub. (4) (n) and (o), ~~and for a school district with respect~~
19 ~~to any matter under sub. (4) (n)~~, except as provided in subs. (3m), (3p), and (4) (m)
20 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and
21 confer with respect to any proposal to diminish or abridge the rights guaranteed to
22 municipal employees under ch. 164. The duty to bargain, however, does not compel
23 either party to agree to a proposal or require the making of a concession. Collective
24 bargaining includes the reduction of any agreement reached to a written and signed
25 document. The municipal employer shall not be required to bargain on subjects

1 reserved to management and direction of the governmental unit except insofar as the
2 manner of exercise of such functions affects the wages, hours, and conditions of
3 employment of the municipal employees in a collective bargaining unit. In creating
4 this subchapter the legislature recognizes that the municipal employer must
5 exercise its powers and responsibilities to act for the government and good order of
6 the jurisdiction which it serves, its commercial benefit and the health, safety, and
7 welfare of the public to assure orderly operations and functions within its
8 jurisdiction, subject to those rights secured to municipal employees by the
9 constitutions of this state and of the United States and by this subchapter.

10 ***-1019/5.134* SECTION 2434.** 111.70 (1) (a) of the statutes, as affected by 2011
11 Wisconsin Act (this act), is amended to read:

12 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
13 obligation of a municipal employer, through its officers and agents, and the
14 representative of its municipal employees in a collective bargaining unit, to meet and
15 confer at reasonable times, in good faith, with the intention of reaching an
16 agreement, or to resolve questions arising under such an agreement, with respect to
17 wages, hours, and conditions of employment, and with respect to a requirement of
18 the municipal employer for a municipal employee to perform law enforcement and
19 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
20 respect to any matter under sub. (4) (n) and (o), except as provided in subs. (3m), (3p),
21 and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not
22 meet and confer with respect to any proposal to diminish or abridge the rights
23 guaranteed to municipal employees under ch. 164. The duty to bargain, however,
24 does not compel either party to agree to a proposal or require the making of a
25 concession. Collective bargaining includes the reduction of any agreement reached

1 to a written and signed document. The municipal employer shall not be required to
2 bargain on subjects reserved to management and direction of the governmental unit
3 except insofar as the manner of exercise of such functions affects the wages, hours,
4 and conditions of employment of the municipal employees in a collective bargaining
5 unit. In creating this subchapter the legislature recognizes that the municipal
6 employer must exercise its powers and responsibilities to act for the government and
7 good order of the jurisdiction which it serves, its commercial benefit and the health,
8 safety, and welfare of the public to assure orderly operations and functions within its
9 jurisdiction, subject to those rights secured to municipal employees by the
10 constitutions of this state and of the United States and by this subchapter.

****NOTE: This is reconciled s. 111.70 (1) (a). This SECTION has been affected by
drafts with the following LRB numbers: 1019/4 and 1356/1.

11 ***-1019/5.135* SECTION 2435.** 111.70 (3m) of the statutes is repealed.

12 ***-1253/P1.1* SECTION 2436.** 111.70 (4) (d) 2. a. of the statutes is amended to
13 read:

14 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
15 bargaining unit for the purpose of collective bargaining and shall whenever possible,
16 unless otherwise required under this subchapter, avoid fragmentation by
17 maintaining as few collective bargaining units as practicable in keeping with the size
18 of the total municipal workforce. In making such a determination, the commission
19 may decide whether, in a particular case, the municipal employees in the same or
20 several departments, divisions, institutions, crafts, professions, or other
21 occupational groupings constitute a collective bargaining unit. Before making its
22 determination, the commission may provide an opportunity for the municipal
23 employees concerned to determine, by secret ballot, whether they desire to be

1 established as a separate collective bargaining unit. The commission shall not
2 decide, however, that any group of municipal employees constitutes an appropriate
3 collective bargaining unit if the group includes both professional employees and
4 nonprofessional employees, unless a majority of the professional employees vote for
5 inclusion in the unit. The commission shall not decide that any group of municipal
6 employees constitutes an appropriate collective bargaining unit if the group includes
7 both craft employees and noncraft employees unless a majority of the craft employees
8 vote for inclusion in the unit. The commission shall place the professional employees
9 who are assigned to perform any services at a charter school, as defined in s. 115.001
10 (1), in a separate collective bargaining unit from a unit that includes any other
11 professional employees whenever at least 30% of those professional employees
12 request an election to be held to determine that issue and a majority of the
13 professional employees at the charter school who cast votes in the election decide to
14 be represented in a separate collective bargaining unit. ~~Upon the expiration of any~~
15 ~~collective bargaining agreement in force, the commission shall combine into a single~~
16 ~~collective bargaining unit 2 or more collective bargaining units consisting of school~~
17 ~~district employees if a majority of the employees voting in each collective bargaining~~
18 ~~unit vote to combine.~~ Any vote taken under this subsection shall be by secret ballot.

19 ***-1205/1.1* SECTION 2437.** 111.70 (4) (m) 5. of the statutes is created to read:

20 111.70 (4) (m) 5. The prohibition in s. 118.205 against requiring teachers
21 employed by a school board to reside within the school district.

22 ***-0851/3.3* SECTION 2438.** 111.81 (7) (f) of the statutes is amended to read:

23 111.81 (7) (f) Instructional staff employed by the board of regents of the
24 University of Wisconsin System who provide services for a charter school established
25 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

1 ***-1187/P5.410* SECTION 2439.** 111.81 (7) (h) of the statutes is created to read:

2 111.81 (7) (h) Staff appointed by the Board of Trustees of the University of
3 Wisconsin-Madison except faculty, academic staff, limited term employees,
4 sessional employees, project employees, supervisors, management, persons who are
5 privy to confidential matters affecting the employer-employee relationship, persons
6 whose employment is a necessary part of their training, student assistants, and
7 student hourly help.

8 ***-1187/P5.411* SECTION 2440.** 111.81 (8) of the statutes is amended to read:

9 111.81 (8) "Employer" means the state of Wisconsin, or, with respect to the
10 employees under sub. (7) (h), the University of Wisconsin-Madison.

11 ***-1187/P5.412* SECTION 2441.** 111.81 (15m) of the statutes is amended to
12 read:

13 111.81 (15m) "Program assistant" or "project assistant" means a graduate
14 student enrolled in the University of Wisconsin System or at the University of
15 Wisconsin-Madison who is assigned to conduct research, training, administrative
16 responsibilities or other academic or academic support projects or programs, except
17 regular preparation of instructional materials for courses or manual or clerical
18 assignments, under the supervision of a member of the faculty or academic staff, as
19 defined in s. 36.05 (1) or (8) or 37.01 (5), primarily for the benefit of the university,
20 faculty or academic staff supervisor or a granting agency. "Project assistant" or
21 "program assistant" does not include a graduate student who does work which is
22 primarily for the benefit of the student's own learning and research and which is
23 independent or self-directed.

24 ***-1187/P5.413* SECTION 2442.** 111.81 (17m) of the statutes is amended to
25 read:

111.81 (17m) "Research assistant" means a graduate student enrolled in the University of Wisconsin System or at the University of Wisconsin-Madison who is receiving a stipend to conduct research that is primarily for the benefit of the student's own learning and research and which is independent or self-directed, but does not include students provided fellowships, scholarships, or traineeships which are distributed through other titles such as advanced opportunity fellow, fellow, scholar, or trainee, and does not include students with either an F-1 or a J-1 visa issued by the federal department of state.

***-1187/P5.414* SECTION 2443.** 111.81 (19m) of the statutes is amended to read:

111.81 (19m) "Teaching assistant" means a graduate student enrolled in the University of Wisconsin System or at the University of Wisconsin-Madison who is regularly assigned teaching and related responsibilities, other than manual or clerical responsibilities, under the supervision of a member of the faculty as defined in s. 36.05 (8) or 37.01 (5).

***-1187/P5.415* SECTION 2444.** 111.815 (1) of the statutes is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,

1 the office, or the department of health services with regard to collective bargaining
2 agreements entered into with the collective bargaining unit specified in s. 111.825
3 (2g), shall maintain close liaison with the legislature relative to the negotiation of
4 agreements and the fiscal ramifications of those agreements. Except with respect
5 to the collective bargaining units specified in s. 111.825 (1g), (1m), (2) (f), and (2g),
6 the office is responsible for the employer functions of the executive branch under this
7 subchapter, and shall coordinate its collective bargaining activities with operating
8 state agencies on matters of agency concern. The legislative branch shall act upon
9 those portions of tentative agreements negotiated by the office that require
10 legislative action. With respect to the collective bargaining units specified in s.
11 111.825 (1g), the University of Wisconsin-Madison is responsible for the employer
12 functions under this subchapter. With respect to the collective bargaining units
13 specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board
14 is responsible for the employer functions under this subchapter. With respect to the
15 collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the
16 charter school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e. is responsible
17 for the employer functions under this subchapter. With respect to the collective
18 bargaining unit specified in s. 111.825 (2g), the department of health services is
19 responsible for the employer functions of the executive branch under this
20 subchapter.

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1187 and LRB-0851.

21 ***-1187/P5.416* SECTION 2445.** 111.815 (2) of the statutes is amended to read:
22 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
23 the office shall, together with the appointing authorities or their representatives,

1 represent the state in its responsibility as an employer under this subchapter except
2 with respect to negotiations in the collective bargaining units specified in s. 111.825
3 ~~(1g)~~, (1m), (2) (f), and (2g). The director of the office shall establish and maintain,
4 wherever practicable, consistent employment relations policies and practices
5 throughout the state service.

6 ***-1187/P5.417* SECTION 2446.** 111.825 (1g) of the statutes is created to read:

7 111.825 (1g) Collective bargaining units at the University of
8 Wisconsin-Madison are structured with one or more collective bargaining units for
9 each of the following groups:

10 (a) Program assistants; project assistants; and teaching assistants of the
11 University of Wisconsin-Madison.

12 (b) Research assistants of the University of Wisconsin-Madison.

13 (c) Employees under s. 111.81 (7) (h) who are not included under par. (a) or (b).

14 ***-1187/P5.418* SECTION 2447.** 111.825 (2) (a) of the statutes is amended to
15 read:

16 111.825 (2) (a) The program, project and teaching assistants of the University
17 of Wisconsin-Madison and the University of Wisconsin-Extension.

18 ***-0851/3.4* SECTION 2448.** 111.825 (2) (f) of the statutes is amended to read:

19 111.825 (2) (f) Instructional staff employed by the board of regents of the
20 University of Wisconsin System who provide services for a charter school established
21 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

22 ***-1187/P5.419* SECTION 2449.** 111.825 (2) (g) of the statutes is amended to
23 read:

24 111.825 (2) (g) Research assistants of the University of Wisconsin-Madison
25 and University of Wisconsin-Extension.

1 ***-1187/P5.420* SECTION 2450.** 111.825 (3) of the statutes is amended to read:

2 111.825 (3) The commission shall assign employees to the appropriate
3 collective bargaining units set forth in subs. (1), (1g), (1m), (2), and (2g).

4 ***-1187/P5.421* SECTION 2451.** 111.825 (4) of the statutes is amended to read:

5 111.825 (4) Any labor organization may petition for recognition as the exclusive
6 representative of a collective bargaining unit specified in sub. (1), (1g), (1m), (2), or
7 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
8 petition is accompanied by a 30% showing of interest in the form of signed
9 authorization cards. Each additional labor organization seeking to appear on the
10 ballot shall file petitions within 60 days of the date of filing of the original petition
11 and prove, through signed authorization cards, that at least 10% of the employees
12 in the collective bargaining unit want it to be their representative.

13 ***-1187/P5.422* SECTION 2452.** 111.84 (2) (c) of the statutes is amended to read:

14 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
15 (1) with the duly authorized officer or agent of the employer which is the recognized
16 or certified exclusive collective bargaining representative of employees specified in
17 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
18 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
19 (b) to ~~(g)~~ (h) in an appropriate collective bargaining unit. Such refusal to bargain
20 shall include, but not be limited to, the refusal to execute a collective bargaining
21 agreement previously orally agreed upon.

22 ***-1258/2.4* SECTION 2453.** 111.91 (2) (n) of the statutes is amended to read:

23 111.91 (2) (n) The provision to employees of the health insurance coverage
24 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

25 ***-1187/P5.423* SECTION 2454.** 111.915 of the statutes is amended to read:

1 **111.915 Labor proposals.** The Except with respect to a collective bargaining
2 unit specified in s. 111.825 (1g), the director of the office shall notify and consult with
3 the joint committee on employment relations, in such form and detail as the
4 committee requests, regarding substantial changes in wages, employee benefits,
5 personnel management, and program policy contract provisions to be included in any
6 contract proposal to be offered to any labor organization by the state or to be agreed
7 to by the state before such proposal is actually offered or accepted.

8 ***-1187/P5.424* SECTION 2455.** 111.92 (1) (am) of the statutes is created to
9 read:

10 111.92 (1) (am) Any tentative agreement reached between the University of
11 Wisconsin-Madison, acting for the state, and any labor organization representing a
12 collective bargaining unit specified in s. 111.825 (1g) shall, after official ratification
13 by the labor organization, be executed by the parties.

14 ***-0851/3.5* SECTION 2456.** 111.92 (1) (c) of the statutes is amended to read:

15 111.92 (1) (c) Any tentative agreement reached between the governing board
16 of ~~the~~ a charter school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e., acting
17 for the state, and any labor organization representing a collective bargaining unit
18 specified in s. 111.825 (2) (f) shall, after official ratification by the labor organization
19 and approval by the chancellor of the University of Wisconsin-Parkside, be executed
20 by the parties.

21 ***-1187/P5.425* SECTION 2457.** 111.93 (2) of the statutes is amended to read:

22 111.93 (2) All civil service and other applicable statutes concerning wages,
23 fringe benefits, hours and conditions of employment apply to employees specified in
24 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
25 representative is recognized or certified and to employees specified in s. 111.81 (7)

1 (b) to (f) and (h) who are not included in a collective bargaining unit for which a
2 representative is certified.

3 ***-1187/P5.426* SECTION 2458.** 111.93 (3) of the statutes is amended to read:

4 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
5 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
6 exists between the employer and a labor organization representing employees in a
7 collective bargaining unit, the provisions of that agreement shall supersede the
8 provisions of civil service and other applicable statutes, as well as rules and policies
9 of the ~~board of regents~~ Board of Regents of the University of Wisconsin System and
10 rules and policies of the Board of Trustees of the University of Wisconsin-Madison,
11 related to wages, fringe benefits, hours, and conditions of employment whether or
12 not the matters contained in those statutes, rules, and policies are set forth in the
13 collective bargaining agreement.

14 ***-1187/P5.427* SECTION 2459.** 111.935 (2) of the statutes is amended to read:

15 111.935 (2) Notwithstanding s. 111.83 (2), the commission shall establish a
16 procedure whereby research assistants may determine whether to form themselves
17 into collective bargaining units under s. 111.825 (1g) (b) or (2) (g), (h), or (i) by
18 authorization cards in lieu of secret ballot. The procedure shall provide that once a
19 majority of research assistants have indicated their preference on the authorization
20 cards to form themselves into a collective bargaining unit, the collective bargaining
21 unit is established.

****NOTE: This subch. V of chapter 111 is substantially affected by the Special Session Budget Repair Bill. It will need to be reconciled with the Act; I have not included those treatments because it may be amended as it travels through the legislative process. Subchapter VI is being repealed by that bill. If any part is not repealed, we will amend those sections in this bill after the budget repair bill passes both houses.

1 ***-1465/P4.872* *-1059/P3.521* SECTION 2460.** 114.31 (6) of the statutes is
2 amended to read:

3 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
4 as is reasonably possible, offer the engineering or other technical service of the
5 department, to any municipality desiring them in connection with the construction,
6 maintenance or operation or proposed construction, maintenance or operation of an
7 airport. The secretary may assess reasonable costs for services including services
8 performed while acting as agent for a municipality. Such assessment shall include
9 properly allocated administrative costs. Municipalities are authorized to cooperate
10 with the secretary in the development of aeronautics and aeronautical facilities in
11 this state. The ~~department of commerce~~ Wisconsin Economic Development
12 Corporation and all other agencies are authorized and directed to make available
13 such facilities and services, and to cooperate as far as possible to promote the best
14 interests of aeronautics of the state.

15 ***-1465/P4.873* *-0805/P2.24* SECTION 2461.** 114.33 (10) of the statutes is
16 amended to read:

17 114.33 (10) Subject to the approval of the governor under this subsection, the
18 secretary may sell at public or private sale property of whatever nature owned by the
19 state and under the jurisdiction of the secretary when the secretary determines that
20 the property is no longer necessary for the state's use for airport purposes ~~and, if real~~
21 ~~property, the real property is not the subject of a petition under s. 560.0810.~~ The
22 secretary shall present to the governor a full and complete report of the property to
23 be sold, the reason for the sale, and the minimum price for which the property should
24 be sold, together with an application for the governor's approval of the sale. The
25 governor shall investigate the proposed sale as he or she deems necessary and

1 approve or disapprove the application. Upon approval and receipt of the full
2 purchase price, the secretary shall by appropriate deed or other instrument transfer
3 the property to the purchaser. The funds derived from the sale shall be deposited in
4 the appropriate airport fund, and the expense incurred by the secretary in
5 connection with the sale shall be paid from that fund. This subsection does not apply
6 to real property that is sold under s. 16.848.

7 ***-1184/P1.1* SECTION 2462.** 115.001 (11) of the statutes is amended to read:

8 115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed
9 under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), ~~who also meets the~~
10 ~~qualifications for school nurses prescribed by the department by rule.~~

11 ***-0841/P2.1* SECTION 2463.** 115.01 (10) (a) of the statutes is renumbered

12 115.01 (10).

13 ***-0841/P2.2* SECTION 2464.** 115.01 (10) (b) of the statutes is repealed.

****NOTE: Section 115.01 (10) provides a definition for "school day". In this draft, I repeal s. 115.01 (10) (b), which is a substantive application of the definition of school day, and place the substance of this paragraph into s. 121.02 (1) (f). I do not repeal s. 115.01 (10) (a), which establishes substantive law by providing that certain days on which school is not taught are nevertheless school days. Under current law, these school days on which school is not taught count towards the 180-day requirement.

In this draft, I convert the days on which school is not taught to hours; I assumed that each school day consists of 7 hours. Finally, I amend s. 121.006 (2) (a) to provide that the hours on which school is not taught may be subtracted from the required hours of direct pupil instruction. Are you comfortable with this approach? And is there any reason to retain the definition for "school day" at s. 115.01 (10)?

14 ***-1279/3.2* SECTION 2465.** 115.28 (12) of the statutes is created to read:

15 115.28 (12) STUDENT INFORMATION SYSTEM. (a) Working with the office of the
16 governor, establish a student information system to collect and maintain
17 information about pupils enrolled in public schools, including their academic
18 performance and demographic information, aggregated by school district, school,
19 and teacher. Annually by May 1, the state superintendent shall submit to the

SECTION 2465

1 governor a plan for the expenditure of moneys appropriated in s. 20.255 (1) (e) in the
2 succeeding fiscal year. The state superintendent may not expend or encumber
3 moneys appropriated under s. 20.255 (1) (e) in any fiscal year unless the governor
4 approves the plan for that fiscal year.

5 (b) Charge a fee, on a per pupil basis, to any school district that uses the system
6 under par. (a). The state superintendent may charge a fee to any other person that
7 uses the system. All fees shall be credited to the appropriation account under s.
8 20.255 (1) (jm).

9 ***-1213/1.17* SECTION 2466.** 115.28 (24) of the statutes is amended to read:

10 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
11 school boards under ~~ss. s.~~ 115.36 and ~~115.361~~, and in awarding grants from federal
12 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
13 (b) (1) (B), to programs that provide more than one of the educational services
14 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC
15 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

16 ***-1213/1.18* SECTION 2467.** 115.28 (35) of the statutes is repealed.

17 ***-1213/1.19* SECTION 2468.** 115.28 (39) of the statutes is amended to read:

18 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
19 ~~biennially~~ Biennially by July 1 thereafter, evaluate the effectiveness of the programs
20 under ~~ss. s.~~ 115.36 and ~~115.361~~ and submit a report to the legislature under s. 13.172
21 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~
22 ~~may incorporate into the report under this subsection the report required under s.~~
23 ~~115.361 (2).~~

24 ***-1213/1.20* SECTION 2469.** 115.28 (45) of the statutes is repealed.

25 ***-1213/1.21* SECTION 2470.** 115.28 (46) of the statutes is repealed.

1 ***-1213/1.22* SECTION 2471.** 115.28 (47) of the statutes is repealed.

2 ***-1187/P5.428* SECTION 2472.** 115.297 (1) (a) of the statutes is amended to
3 read:

4 115.297 (1) (a) "Agencies" means the department, the ~~board of regents~~ Board
5 of Regents of the University of Wisconsin System, the Board of Trustees of the
6 University of Wisconsin-Madison, the technical college system board, and the
7 Wisconsin Association of Independent Colleges and Universities.

8 ***-1213/1.23* SECTION 2473.** 115.31 (1) (b) of the statutes is amended to read:

9 115.31 (1) (b) "Educational agency" means a school district, cooperative
10 educational service agency, state correctional institution under s. 302.01, juvenile
11 correctional facility, as defined in s. 938.02 (10p), secured residential care center for
12 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
13 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf
14 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental
15 Health Institute, a state center for the developmentally disabled, or a private school,
16 ~~or a private, nonprofit, nonsectarian agency under contract with a school board~~
17 ~~under s. 118.153 (3) (c).~~

18 ***-1465/P4.874* *-0808/2.343* SECTION 2474.** 115.33 (2) (a) (intro.) of the
19 statutes is amended to read:

20 115.33 (2) (a) (intro.) The state superintendent may request the department
21 of commerce safety and professional services to inspect a public school if any of the
22 following occurs:

23 ***-1465/P4.875* *-0808/2.344* SECTION 2475.** 115.33 (2) (b) of the statutes is
24 amended to read:

115.33 (2) (b) The department of ~~commerce~~ safety and professional services shall inspect the school within 30 days after receiving a request from the state superintendent under par. (a).

***-1465/P4.876* *-0808/2.345* SECTION 2476.** 115.33 (3) (a) of the statutes is amended to read:

115.33 (3) (a) If the state superintendent determines that a school is not in compliance, and the department of ~~commerce~~ safety and professional services, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to repair, improve, remodel or close the school by a stated date. An order issued under this paragraph constitutes a preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

***-1465/P4.877* *-0808/2.346* SECTION 2477.** 115.33 (3) (b) 1. of the statutes is amended to read:

115.33 (3) (b) 1. If the state superintendent determines that a school is not in compliance and is not worth repairing, and the department of ~~commerce~~ safety and professional services, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which compliance with the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

1 ***-1195/2.133* SECTION 2478.** 115.347 (2) of the statutes is amended to read:

2 115.347 (2) Whenever a school district that is located in whole or in part in a
3 county that has converted to the client assistance for reemployment and economic
4 support data system submits a report under sub. (1) in the prescribed format, the
5 department of children and families shall determine which children enrolled in the
6 school district are members of Wisconsin Works groups participating under s. 49.147
7 (3) to (5) or of families receiving aid to families with dependent children or ~~food~~
8 stamps benefits under the supplemental nutrition assistance program under 7 USC
9 2011 to 2036 and shall provide the information to the school board as soon thereafter
10 as possible. The school board shall use the information to directly certify children
11 as eligible for free or reduced-price meals served by the school district under federal
12 school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

13 ***-1213/1.24* SECTION 2479.** 115.361 of the statutes is repealed.

14 ***-1213/1.25* SECTION 2480.** 115.366 of the statutes is repealed.

15 ***-0046/3.3* SECTION 2481.** 115.39 of the statutes is repealed.

16 ***-1061/P1.2* SECTION 2482.** 115.405 (2m) of the statutes is repealed.

17 ***-1187/P5.429* SECTION 2483.** 115.43 (2) (b) of the statutes is amended to
18 read:

19 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
20 scholarships, on a competitive basis, to economically disadvantaged pupils who
21 enroll in a technical college or in college or university classes or programs designed
22 to improve academic skills that are essential for success in postsecondary school
23 education. The state superintendent shall give preference to economically
24 disadvantaged pupils who are inadequately represented in the technical college and
25 University of Wisconsin Systems and the University of Wisconsin-Madison.

1 ***-1213/1.26* SECTION 2484.** 115.435 of the statutes is repealed.

2 ***-1213/1.27* SECTION 2485.** 115.45 of the statutes is repealed.

3 ***-0046/3.4* SECTION 2486.** 115.53 (3) (a) and (b) of the statutes are
4 consolidated, renumbered 115.53 (3) and amended to read:

5 115.53 (3) Arrange for otological or ophthalmic examination of any pupil or
6 prospective pupil of the school operated by the Wisconsin Educational Services
7 Program for the Deaf and Hard of Hearing. ~~The examination shall be paid for from~~
8 ~~the appropriation in s. 20.255 (1) (b), (gh) or (gs).~~ (b) Arrange for ophthalmic or
9 otological examination of any pupil or prospective pupil of or the school operated by
10 the Wisconsin Center for the Blind and Visually Impaired. The examination shall
11 be paid for from the appropriation in under s. 20.255 (1) (b), ~~(gh)~~, (gL), or (gs).

12 ***-0046/3.5* SECTION 2487.** 115.53 (4) (unnumbered first par.) and (a) of the
13 statutes are consolidated, renumbered 115.53 (4) and amended to read:

14 115.53 (4) Apply to the board of directors of the University of Wisconsin
15 Hospitals and Clinics Authority for admission to the University of Wisconsin
16 Hospitals and Clinics of any pupil at the school operated by the Wisconsin
17 Educational Services Program for the Deaf and Hard of Hearing or the school
18 operated by the Wisconsin Center for the Blind and Visually Impaired. (a) The
19 application shall be accompanied by the report of a physician appointed by the
20 director of the Wisconsin Educational Services Program for the Deaf and Hard of
21 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired
22 and shall be in the same form as reports of other physicians for admission of patients
23 to such hospital.

24 ***-0046/3.6* SECTION 2488.** 115.53 (4) (b) of the statutes is repealed.

25 ***-1187/P5.430* SECTION 2489.** 116.01 of the statutes is amended to read:

116.01 Purpose. The organization of school districts in Wisconsin is such that the legislature recognizes the need for a service unit between the school district and the state superintendent. The cooperative educational service agencies are designed to serve educational needs in all areas of Wisconsin by serving as a link both between school districts and between school districts and the state. Cooperative educational service agencies may provide leadership, coordination, and education services to school districts, University of Wisconsin System institutions, the University of Wisconsin-Madison, and technical colleges. Cooperative educational service agencies may facilitate communication and cooperation among all public, private, and tribal schools, and all public and private agencies and organizations, that provide services to pupils.

***-1187/P5.431* SECTION 2490.** 116.032 (1) of the statutes is amended to read:

116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to pupils, a board of control may contract with school districts, University of Wisconsin System institutions, the University of Wisconsin-Madison, technical college district boards, private schools, tribal schools, and agencies or organizations that provide services to pupils. A board of control may also contract with one or more school boards to operate a charter school under s. 118.40 (3) (c).

***-1213/1.28* SECTION 2491.** 117.15 (6) of the statutes is amended to read:

117.15 (6) The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district, in territory proposed to be included in a new school district under s. 117.105 or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of the pupils who reside in such territory who are children at risk, ~~as defined under s. 118.153 (1) (a);~~ and the

SECTION 2491

effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

***-0856/1.1* SECTION 2492.** 118.015 (2) of the statutes is repealed.

***-0856/1.2* SECTION 2493.** 118.015 (3) (title) of the statutes is repealed.

***-0856/1.3* SECTION 2494.** 118.015 (3) (intro.) of the statutes is repealed.

***-0856/1.4* SECTION 2495.** 118.015 (3) (a) of the statutes is renumbered 118.015 (4) (am).

***-0856/1.5* SECTION 2496.** 118.015 (3) (b) of the statutes is repealed.

***-0856/1.6* SECTION 2497.** 118.015 (3) (c) of the statutes is repealed.

***-0856/1.7* SECTION 2498.** 118.015 (3) (d) of the statutes is repealed.

***-0856/1.8* SECTION 2499.** 118.015 (3) (e) of the statutes is renumbered 118.015 (4) (bm).

***-1465/P4.878* *-0808/2.347* SECTION 2500.** 118.07 (2) (b) of the statutes is amended to read:

118.07 (2) (b) In each community having a recognized fire department, the person having direct charge of any public or private school shall annually file a report pertaining to such drills, on a form furnished by the department of ~~commerce~~ safety and professional services, with the chief of the fire department. When no fire drill is held during any month, or when only one or no tornado or other hazard drill is held in a year, the person having direct charge of the school shall state the reasons in the report.

***-1465/P4.879* *-0808/2.348* SECTION 2501.** 118.075 (2) (a) 2. of the statutes is amended to read:

1 118.075 (2) (a) 2. The secretary of ~~commerce~~ safety and professional services
2 or his or her designee.

3 ***-1183/P1.1* SECTION 2502.** 118.075 (2) (f) of the statutes is amended to read:

4 118.075 (2) (f) Upon completing its duties under par. (e), the task force shall
5 report its findings and recommendations to the appropriate standing committees of
6 the legislature under s. 13.172 (3) and to the governor. The task force shall cease to
7 exist on the date on which the department issues its model management plan ~~under~~
8 ~~sub. (3).~~

9 ***-1183/P1.2* SECTION 2503.** 118.075 (3) of the statutes is repealed.

10 ***-1183/P1.3* SECTION 2504.** 118.075 (4) of the statutes is repealed.

11 ***-1465/P4.880* *-0808/2.349* SECTION 2505.** 118.135 (2) of the statutes is
12 amended to read:

13 118.135 (2) A pupil who complies with a request under sub. (1) shall provide
14 evidence of an eye examination or evaluation by December 31 following the pupil's
15 enrollment in kindergarten. The school board or charter school shall provide pupils
16 with the form distributed by the department of ~~regulation and licensing~~ safety and
17 professional services under s. 440.03 (16) for that purpose.

18 ***-1213/1.29* SECTION 2506.** 118.15 (1) (b) of the statutes is amended to read:

19 118.15 (1) (b) Upon the child's request of the school board and with the written
20 approval of the child's parent or guardian, any child who is 16 years of age or over
21 and a child at risk, ~~as defined in s. 118.153 (1) (a),~~ may attend, in lieu of high school
22 or on a part-time basis, a technical college if the child and his or her parent or
23 guardian agree, in writing, that the child will participate in a program leading to the
24 child's high school graduation. The district board of the technical college district in
25 which the child resides shall admit the child. Every technical college district board

1 shall offer day class programs satisfactory to meet the requirements of this
2 paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

3 ***-1213/1.30* SECTION 2507.** 118.153 (title) and (1) (intro.) of the statutes are
4 repealed.

5 ***-1213/1.31* SECTION 2508.** 118.153 (1) (a) of the statutes is renumbered
6 115.001 (1m).

7 ***-1213/1.32* SECTION 2509.** 118.153 (1) (b) of the statutes is renumbered
8 115.001 (2m).

9 ***-1213/1.33* SECTION 2510.** 118.153 (2) to (7) of the statutes are repealed.

10 ***-1213/1.34* SECTION 2511.** 118.16 (2) (cg) 2. of the statutes is amended to
11 read:

12 118.16 (2) (cg) 2. A statement that the parent, guardian or child may request
13 program or curriculum modifications for the child under s. 118.15 (1) (d) ~~and that the~~
14 ~~child may be eligible for enrollment in a program for children at risk under s. 118.153~~
15 ~~(3).~~

16 ***-1213/1.35* SECTION 2512.** 118.16 (2m) (a) 2. of the statutes is amended to
17 read:

18 118.16 (2m) (a) 2. An employee of the school district who is directly involved
19 in the provision of a modified program or curriculum under s. 118.15 (1) (d), ~~a~~
20 ~~program for children at risk under s. 118.153~~ or an alternative educational program
21 under s. 119.82 or any other alternative educational program to children who attend
22 the school attended by the truant child, if the school district administrator believes
23 that the program or curriculum may be appropriate for the truant child.

24 ***-1213/1.36* SECTION 2513.** 118.163 (1) (a) of the statutes is repealed.

25 ***-1189/1.1* SECTION 2514.** 118.19 (1) of the statutes is amended to read:

1 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach
2 in a public school, including a charter school other than a charter school established
3 under s. 118.40 (2r), or in a school or institution operated by a county or the state shall
4 first procure a license or permit from the department.

5 ***-1205/1.2* SECTION 2515.** 118.205 of the statutes is created to read:

6 **118.205 Residency requirements. (1)** In this section, "teacher" means any
7 person holding a license or permit issued by the state superintendent whose
8 employment by a school district requires that he or she hold that license or permit.

9 **(2)** A school board may not require, as a condition of employment, that a teacher
10 reside within the school district.

11 ***-1245/P1.1* SECTION 2516.** 118.29 (6) of the statutes, as created by 2009
12 Wisconsin Act 160, is amended to read:

13 118.29 (6) TRAINING. Notwithstanding sub. (2) (a) 1. to 2r., no school bus driver,
14 employee, or volunteer may administer a nonprescription drug product or
15 prescription drug under sub. (2) (a) 1. or 2., use an epinephrine auto-injector under
16 sub. (2) (a) 2m., or administer glucagon under sub. (2) (a) 2r. unless he or she has
17 received training, ~~approved by the department~~, in administering nonprescription
18 drug products and prescription drugs. This subsection does not apply to health care
19 professionals.

20 ***-0982/1.1* SECTION 2517.** 118.35 (4) of the statutes is amended to read:

21 118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall
22 award grants to nonprofit organizations, cooperative educational service agencies,
23 the University of Wisconsin-Madison, and the school district operating under ch. 119
24 for the purpose of providing ~~advanced curriculum and assessments for~~ to gifted and

talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.

***-0841/P2.3* SECTION 2518.** 118.38 (2) (bm) of the statutes is amended to read:

118.38 (2) (bm) The department shall promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. if school is closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3. or (b) 1.~~ (b) or (c) 1.

***-0851/3.6* SECTION 2519.** 118.40 (2r) (b) 1. b. and c. of the statutes are repealed. *strike leave as typed*

***-0851/3.7* SECTION 2520.** 118.40 (2r) (b) 1. e. of the statutes is created to read:

118.40 (2r) (b) 1. e. The chancellor of an institution, as defined in s. 36.05 (9), within the University of Wisconsin System.

***-1187/P5.432* SECTION 2521.** 118.40 (2r) (b) 1. g. of the statutes is created to read:

118.40 (2r) (b) 1. g. The chancellor of the University of Wisconsin-Madison.

***-0851/3.8* SECTION 2522.** 118.40 (2r) (b) 2. of the statutes is amended to read:

118.40 (2r) (b) 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract may include other provisions agreed to by the parties. The chancellor of the University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not an institution within the University of Wisconsin System may not establish or enter into a contract for the establishment of a charter school under this paragraph without the approval of the board of regents of the University of Wisconsin System.

1 ***-0851/3.9* SECTION 2523.** 118.40 (2r) (b) 3. of the statutes is repealed.

2 ***-0851/3.10* SECTION 2524.** 118.40 (2r) (bm) of the statutes is amended to
3 read:

4 118.40 (2r) (bm) The common council of the city of Milwaukee, ~~the chancellor~~
5 ~~of the University of Wisconsin-Milwaukee,~~ and the Milwaukee area technical college
6 district board may ~~only~~ establish or enter into a contract for the establishment of a
7 charter school located only in the school district operating under ch. 119. The
8 ~~chancellor of the University of Wisconsin-Parkside may only establish or enter into~~
9 ~~a contract for the establishment of a charter school located in a unified school district~~
10 ~~that is located in the county in which the University of Wisconsin-Parkside is~~
11 ~~situated or in an adjacent county.~~

12 ***-0851/3.11* SECTION 2525.** 118.40 (2r) (cm) of the statutes is repealed.

13 ***-1189/1.2* SECTION 2526.** 118.40 (2r) (d) 1. of the statutes is amended to read:

14 118.40 (2r) (d) 1. Ensure that all instructional staff of charter schools under
15 this subsection ~~hold a license or permit to teach issued by the department~~ have a
16 bachelor's degree from an accredited institution of higher education.

17 ***-1481/P1.1* SECTION 2527.** 118.40 (2r) (e) 1. a. of the statutes is renumbered
18 118.40 (2r) (e) 1m. and amended to read:

19 118.40 (2r) (e) 1m. In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years,
20 from the appropriation under s. 20.255 (2) (fm), the department shall pay to the
21 operator of the charter school an amount equal to the sum of the amount paid per
22 pupil under this ~~subdivision~~ paragraph in the previous school year and the increase
23 in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the
24 current school year as compared to the previous school year, multiplied by the
25 number of pupils attending the charter school.

****NOTE: This is reconciled s. 118.40 (2r) (e) 1. a. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

1 ***-1481/P1.2* SECTION 2528.** 118.40 (2r) (e) 1. b. of the statutes is renumbered
2 118.40 (2r) (e) 2m. and amended to read:

3 118.40 (2r) (e) 2m. In the 2011-12 2012-13 school year and in each school year
4 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
5 to the operator of the charter school an amount equal to the sum of the amount paid
6 per pupil under this ~~subdivision~~ paragraph in the previous school year and the per
7 pupil revenue limit adjustment under s. 121.91 (2m) in the current school year,
8 multiplied by the number of pupils attending the charter school.

****NOTE: This is reconciled s. 118.40 (2r) (e) 1. b. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

9 ***-0851/3.14* SECTION 2529.** 118.40 (2r) (e) 1. c. of the statutes is renumbered
10 118.40 (2r) (e) 3m. and amended to read:

11 118.40 (2r) (e) 3m. The amount paid per pupil under this ~~subdivision~~
12 paragraph may not be less than the amount paid per pupil under this ~~subdivision~~
13 paragraph in the previous school year. The department shall pay 25% of the total
14 amount in September, 25% in December, 25% in February, and 25% in June. The
15 department shall send the check to the operator of the charter school.

****NOTE: This is reconciled s. 118.40 (2r) (e) 1. c. This SECTION has been affected by drafts with the following LRB numbers: -0851/3 and -1481/P1.

16 ***-0851/3.15* SECTION 2530.** 118.40 (2r) (e) 2. of the statutes is repealed.

17 ***-0851/3.16* SECTION 2531.** 118.40 (2r) (f) of the statutes is repealed.

18 ***-1213/1.37* SECTION 2532.** 118.40 (3) (d) of the statutes is amended to read:

19 118.40 (3) (d) A school board or an entity under sub. (2r) (b) shall give
20 preference in awarding contracts for the operation of charter schools to those charter
21 schools that serve children at risk, ~~as defined in s. 118.153 (1) (a).~~

1 ***-0851/3.17* SECTION 2533.** 118.40 (7) (am) 2. of the statutes is amended to
2 read:

3 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
4 school located in the school district operating under ch. 119 that is converted to a
5 charter school is not an instrumentality of any school district and no school board
6 may employ any personnel for the charter school. If the chancellor of an institution
7 within the University of ~~Wisconsin-Parkside~~ Wisconsin System contracts for the
8 establishment of a charter school under sub. (2r), the board of regents of the
9 University of Wisconsin System may employ instructional staff for the charter
10 school.

11 ***-0841/P2.4* SECTION 2534.** 118.40 (8) (d) 2. of the statutes is amended to read:

12 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
13 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) 2.
14 each school year. No more than 10 hours in any 24-hour period may count toward
15 the requirement under this subdivision.

16 ***-0855/3.1* SECTION 2535.** 118.40 (8) (h) of the statutes is repealed.

17 ***-1215/P2.1* SECTION 2536.** 118.43 (2) (g) of the statutes is amended to read:

18 118.43 (2) (g) The department may renew an achievement guarantee contract
19 under pars. (b), (bg), (br), and (bt) for one or more terms of 5 school years. Except as
20 provided in ~~sub.~~ subs. (3g) (b) and (3m), as a condition of receiving payments under
21 a renewal of an achievement guarantee contract, a school board shall maintain the
22 reduction of class size achieved during the last school year of the original
23 achievement guarantee contract for the grades specified for the last school year of the
24 contract.

1 ***-1215/P2.2* SECTION 2537.** 118.43 (3) (at) 3. of the statutes is amended to
2 read:

3 118.43 (3) (at) 3. In Except as provided in sub. (3g) (b), in the 2012-13 to
4 2014-15 school years, in at least grades kindergarten to 3.

5 ***-1215/P2.3* SECTION 2538.** 118.43 (3g) of the statutes is created to read:

6 118.43 (3g) ADJUSTMENT TO GRADES ELIGIBLE FOR FUNDING; RELEASE FROM CERTAIN
7 CONTRACT OBLIGATIONS. (a) 1. Beginning in the 2011-12 school year, a school district
8 operating under an achievement guarantee contract entered into under sub. (2) (bt)
9 or renewed under sub. (2) (g) may receive state aid under sub. (6) only for low-income
10 pupils enrolled in grades kindergarten to 2 in each school in the school district
11 covered by the contract.

12 2. Beginning in the 2012-13 school year, a school district operating under an
13 achievement guarantee contract entered into under sub. (2) (bt) or renewed under
14 sub. (2) (g) may receive state aid under sub. (6) only for low-income pupils enrolled
15 in grades kindergarten and one in each school in the school district covered by the
16 contract.

17 (b) 1. Beginning in the 2011-12 school year, a school district operating under
18 an achievement guarantee contract entered into under sub. (2) (bt) or renewed under
19 sub. (2) (g) is released from the obligation to maintain the limitation on class size
20 required under the contract and under sub. (3) (a), (am), (ar), and (at) for pupils
21 enrolled in grade 3 in each school in the school district covered by the contract.

22 2. Beginning in the 2012-13 school year, a school district operating under an
23 achievement guarantee contract entered into under sub. (2) (bt) or renewed under
24 sub. (2) (g) is released from the obligation to maintain the limitation on class size

1 required under the contract and under sub. (3) (a), (am), (ar), and (at) for pupils
2 enrolled in grades 2 and 3 in each school in the school district covered by the contract.

3 ***-1215/P2.4* SECTION 2539.** 118.43 (3m) (b) of the statutes is amended to read:

4 118.43 (3m) (b) A school board operating under an achievement guarantee
5 contract entered into under sub. (3) ~~(at)~~ (2) ~~(bt)~~ may combine 2 classes subject to the
6 class size limitation in any school covered by the contract having at least 2 regular
7 classroom teachers when the classes are combined if the combined class size is not
8 greater than 30.

9 ***-0855/3.2* SECTION 2540.** 118.51 (3) (intro.) of the statutes is created to read:

10 118.51 (3) (intro.) Except as provided under sub. (3m), the following procedures
11 govern pupil applications to attend a public school in a nonresident school district
12 under this section:

13 ***-0855/3.3* SECTION 2541.** 118.51 (3) (a) 1. of the statutes is amended to read:

14 118.51 (3) (a) 1. The parent of a pupil who wishes to attend a public school in
15 a nonresident school district under this section shall submit an application, on a form
16 provided by the department under sub. (15) (a), to the school board of the nonresident
17 school district that the pupil wishes to attend, not earlier than the first Monday in
18 February and not later than the 3rd Friday following the first Monday in February
19 last weekday in April of the school year immediately preceding the school year in
20 which the pupil wishes to attend. Applications may be submitted to no more than
21 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~
22 The nonresident school board shall send a copy of the application to the pupil's
23 resident school board and the department by the end of the first weekday following
24 the last weekday in April. The application may include a request to attend a specific
25 school or program offered by the nonresident school district.

strike
comm
↑
↓

.....
SECTION 2542

1 ***-0855/3.4* SECTION 2542.** 118.51 (3) (a) 1m. of the statutes is created to read:

2 118.51 (3) (a) 1m. By the first Friday following the first Monday in May, the
3 resident school board shall send to the nonresident school district a copy of the
4 individualized education program developed under s. 115.787 (2) for a child with a
5 disability whose parent submitted an application under subd. 1.

6 ***-0855/3.5* SECTION 2543.** 118.51 (3) (a) 2., 3. and 4. of the statutes are
7 amended to read:

8 118.51 (3) (a) 2. A nonresident school board may not act on any application
9 received under subd. 1. ~~until after the 3rd Friday following the first Monday in~~
10 ~~February before May 1.~~ If a nonresident school board receives more applications for
11 a particular grade or program than there are spaces available in the grade or
12 program, the nonresident school board shall determine which pupils to accept,
13 including pupils accepted from a waiting list under sub. (5) (d), on a random basis,
14 after giving preference to pupils and to siblings of pupils who are already attending
15 the nonresident school district and, if the nonresident school district is a union high
16 school district, to pupils who are attending an underlying elementary school district
17 of the nonresident school district under this section. If a nonresident school board
18 determines that space is not otherwise available for open enrollment pupils in the
19 grade or program to which an individual has applied, the school board may
20 nevertheless accept a pupil or the sibling of a pupil who is already attending the
21 nonresident school district and, if the nonresident school district is a union high
22 school district, a pupil who is attending an underlying elementary school district of
23 the nonresident school district under this section.

24 3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday
25 following the first Monday in ~~April~~ June following receipt of the application, the